

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:)
CIRCUIT CITY STORES, INC.,) Chapter 11
Debtors.) Case No. 08-35653-KRH
) Jointly Administered
)
)

STATEMENT OF CURE UNDER THE
NON-RESIDENTIAL PROPERTY LEASE OF
WESTGATE VILLAGE, LP

Westgate Village, LP (“Westgate”) by its undersigned counsel, hereby submits
the Statement of Cure Under the Non-Residential Property Lease.

1. On November 10, 2008 Debtors filed a voluntary petition under Chapter
11 of the Bankruptcy Code.

2. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§157 and 1334.
This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is prescribed by 28
U.S.C. §§ 1408 and 1409.

3. Circuit City Stores, Inc. (“Debtor”) and Westgate entered into a Lease

Augustus C. Epps, Jr. (VSB 13254)
Michael D. Mueller (VSB 38216)
Jennifer McLain McLemore (VSB 47164)
Noelle M. James (VSB 76001)
Christian and Barton, L.L.P.
909 East Main Street
Suite 1200
Richmond, Virginia 23219-3095
Phone: 804.697.4100
Fax: 804.697.4112

Heather D. Dawson (VSB 45303)
Kitchens Kelley Gaynes, P.C.
Eleven Piedmont Center, Suite 900
3495 Piedmont Road, N.E.
Atlanta, Georgia 30305
Phone: 404.237.4100
Fax: 404.364.0126

Agreement dated May 12, 1994 with regard to Store No. 823 located in the Spartanburg Shopping Center, Spartanburg, South Carolina (the "Lease").

4. Westgate hereby files their Statement of Cure pursuant to the Notice of Approval of Order (I) Approving Procedures in Connection with Sale of All or Substantially All of the Business (Docket No. 1454) which requires all cure amounts to be provided with respect to a possible assumption or assignment of the Lease.

5. The cure amount for Westgate as of January 15, 2009 is \$22,105.83 for November rent and November CAM, plus any additional amounts or pecuniary losses including reasonable attorneys' fees.

Respectfully submitted this 15th day of January, 2009.

CHRISTIAN & BARTON, LLP

By: /s/ Jennifer M. McLemore
Jennifer M. McLemore
Virginia State Bar No. 47164
909 East Main Street
Suite 1200
Richmond, Virginia 23219-3095
Phone: 804.697.4100
Fax: 804.697.4112

-and-

KITCHENS KELLEY GAYNES, P.C.

Heather D. Dawson, Esq.
Virginia State Bar No. 45303
Eleven Piedmont Center
Suite 900
Atlanta, Georgia 30305
Phone: 404.27.4100
Fax: 404.364.0126
Counsel for Westgate Village, LP

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of January, 2009, I caused a copy of the foregoing to be served by electronic means to the “2002” and “Core” lists and through the ECF system.

/s/ Jennifer M. McLemore

498982_1